S.B.Cr.Misc. Bail App. No.4975/2007

(Kirta Ram vs. State of Rajasthan)

Date of order : October 26, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Kulwant Singh, for the petitioner.

Mr.Ashok Upadhyaya, Public Prosecutor.

Mr.M.K.Garg, for the complainant.

Heard learned counsel for the petitioner, Public Prosecutor for the State and the counsel for the complainant. Perused the order impugned and the challan papers.

It is contended by learned counsel for the petitioner that the FIR was registered on "Parcha Bayan" of the deceased herself, wherein she categorically stated that on 16.6.2007, her husband, aunt-in-law (Bua Saas) and sister-in-law (Nand) poured the kerosene and put her to fire. The cause of death is burn injury as per the post mortem report. Thereafter, a dying declaration was recorded by the Judicial Magistrate, Hanumangarh on 16.6.2007 at 1.50 P.M. in the presence of Doctor, wherein the deceased categorically stated that Rakesh,

her husband, aunt-in-law (Bua Saas) and sister-in-law (Nand) put her to fire. In both the dying declarations recorded by the police as "Parcha Bayan" and by the Judicial Magistrate, petitioner Kirta Ram, who is father-in-law has not been named.

Learned counsel for the complainant submits that subsequently, deceased made an oral dying declaration, wherein petitioner Kirta Ram has been named.

Be that as it may, in the initial dying declaration recorded by the Judicial Magistrate, petitioner Kirta Ram has not been named. In this view of the matter, without commenting on the merit of the case, having regard to the facts and circumstances of the case and the fact that in both the dying declarations, the petitioner has not been named causing death of the deceased, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Kirtar Ram s/o Surja Ram be released on bail in FIR No.203/2007, P.S. Tibbi, Distt. Hanumangarh provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of

learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

[H.R.PANWAR],J.

m.asif/-